

**4374. Misbranding of "Dr. D. M. Elmore's Rheumatic Goutaline." U. S. v. George Bayne. Plea of guilty. Fine, \$10. (F. & D. No. 6024. I. S. No. 7725-e.)**

On November 19, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Bayne, Bayonne, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 7, 1913, from the State of New Jersey into the State of New York, of a quantity of "Dr. D. M. Elmore's Rheumatic Goutaline" which was misbranded. The article was labeled: (On carton) "Dr. D. M. Elmore's Rheumatic Goutaline (Trade Mark) Price \$1.00 Contains 16.67 Per Cent Alcohol Rheumatic-Goutaline The Only Real or Radical Remedy For all Rheumatic Disorders. G. Bayne Successor to Mrs. D. M. Elmore Bayonne, N. J. Guaranteed by Geo. Bayne under the Food and Drugs Act, June 30, 1906. Serial No. 24035." (On back of carton) "Remedy for all forms of Rheumatism, Nervous, Muscular, Tendonous, &c. Which include: Acute, Inflammatory Rheumatism, Sub-Acute Rheumatism, Chronic Rheumatism, Lumbago, Sciatica, Neuralgia, &c." (On sides of carton) "Remedy for all Disorders of the Kidneys, Liver and Bladder. The Quickest and Best Remedy for Dyspepsia and Malaria." (On top flap) "Dr. D. M. Elmore's Rheumatic Goutaline (Trade Mark)." (On bottle) "Dr. D. M. Elmore's Rheumatic Goutaline (Trade Mark) Price \$1.00 Directions: For Rheumatism, Dyspepsia, Malaria, and disorders of the kidneys, Liver, Bladder and Blood, the usual dose for an adult is one tablespoonful three times daily. It should be taken before Breakfast, before the mid-day meal and before going to bed. Should one tablespoonful act too much on the bowels or stomach, reduce the dose. For very delicate or aged persons 2 or 3 teaspoonfuls are generally sufficient. For a child 7 to 10 years of age, 1 teaspoonful. For acute inflammatory rheumatism (that is, where the parts are inflamed and swollen, and in no other instance) take one tablespoonful every two hours until it Begins to act on the bowels or stomach. After this, it should be Discontinued for 10 or 20 hours, then taken three times a day till cured. To entirely eradicate the rheumatic poison from the system, R. G. should be taken for about three weeks after one feels entirely well. The Liver and Kidneys of many people are constitutionally torpid or inactive, without being noticed or treated. R. G. taken occasionally keeps these organs active and healthy and thus prevents attacks of Dyspepsia, Rheumatism and various other diseases. Geo. Bayne successor to Mrs. D. M. Elmore 29 East 38th St. Bayonne, N. J. Contains 16.67% Alcohol. Guaranteed by Geo. Bayne under the Food and Drugs Act, June 30, 1906. Serial No. 24035." (Blown in bottle) "Dr. Elmore's Rheumatic-Goutaline." The circular or pamphlet accompanying the article contained, among other things, the following: "Dr. Elmore in discovering the origin of and a real curative for Rheumatism has conferred a great boon upon suffering humanity; his preparation called Rheumatic-Goutaline having cured thousands of hopeless Cases," "The term Rheumatism includes the ordinary acute and chronic forms, as well as Gout, Lumbago, Sciatica and Neuralgia, or the Muscular, Tendonous, Arthritic and Nervous species. All originate from the same cause. The remote cause is found to be an accumulation of poison in the system originating from an inactive or abnormal condition of the kidneys, the proper functions of which are to draw from the blood useless or injurious matter. This poison often remains latent or inactive in the system for weeks or months without causing any visible trouble until

some exciting cause steps in to bring on the rheumatic attack. In this class of disorders Rheumatine-Goutaline may be considered a Specific and the Only One Ever Discovered, as we can refer to, in this city and vicinity, a larger number of cured patrons than all other physicians or proprietors of patent medicines or chemical compounds combined," "Its tonic action upon the kidneys when disordered or torpid, quickly restores them to their normal healthy and active state, and thus prevents a further accumulation of the rheumatic poison in the blood; and its continued use for awhile neutralizes or eradicates the deleterious matter already in the blood and radically cures bad cases of all rheumatic disorders, even including displacements and enlargements of bones and tendons and small chalky or urate of soda concretions or lumps."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Alcohol (per cent by volume)-----	15.2
Solids (grams per 100 cc)-----	2.91
Ash (gram per 100 cc)-----	0.17
Reducing sugars as invert (gram per 100 cc)-----	0.50
Colchicine (gram per 100 cc)-----	0.02
Salicylates, iodids, bromids, chlorids, nitrates, and mercury: Absent.	

Sample is apparently a dilute tincture of colchicum.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, (On carton) "Dr. D. M. Elmore's R'eumatine Goutaline \* \* \* The only Real Or Radical Remedy For all Rheumatic Disorders. \* \* \* Remedy for all forms of Rheumatism, Nervous, Muscular, Tendonous, &c. Which include Acute, Inflammatory Rheumatism, Sub-Acute Rheumatism, Chronic Rheumatism, Lumbago, Sciatica, Neuralgia, &c. \* \* \* Remedy for all Disorders of the Kidneys, Liver and Bladder. The Quickest and Best Remedy for \* \* \* Malaria." (On bottle) "The Liver and kidneys \* \* \* R. G. taken occasionally keeps these organs \* \* \* healthy \* \* \*," and included in the circular or pamphlet aforesaid, to wit, "Dr. Elmore in discovering the origin of and a real curative for Rheumatism has conferred a great boon upon suffering humanity; his preparation called Rheumatine-Goutaline having cured thousands of hopeless Cases \* \* \* The term Rheumatism includes the ordinary acute and chronic forms, as well as Gout, Lumbago, Sciatica and Neuralgia, or the Muscular, Tendonous, Arthritic and Nervous species. \* \* \* In this class of disorders Rheumatine-Goutaline may be considered a Specific and the Only One Ever Discovered \* \* \*," "Its tonic action upon the kidneys when disordered or torpid, quickly restores them to their normal healthy and active state, and thus prevents a further accumulation of the rheumatic poison in the blood; and its continued use for awhile neutralizes or eradicates the deleterious matter already in the blood and radically cures bad cases of all rheumatic disorders, even including displacements and enlargements of bones and tendons and small chalky or urate of soda concretions or lumps," "We have yet to hear of the first case of malaria it has failed to cure," were false and fraudulent in this, that the same were applied to said article knowingly, and in wanton and reckless disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or

medicinal agents effective, among other things, as a remedy for all rheumatic disorders and all forms of rheumatism, as a remedy for all disorders of the kidneys, liver, and bladder, effective for keeping the liver and kidneys healthy, and as a specific for rheumatism, and effective for curing malaria, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On November 24, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*